

Docket No. 14458.41



Examiner: Aaron F. Roane

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TERMINAL DISCLAIMER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The petitioner, Megadyne Medical Products, Inc., a corporation of the State of Utah, having a principal place of business at 11506 South State Street, Draper, UT 84020, represents that it is the assignee, as recorded on reel 012399, frame 0550, of the entire right, title, and interest in and to application Serial No. 10/021,532, and is also the assignee, as recorded on reel 012399, frame 0643, of the entire right, title, and interest in and to the above-identified application Serial No. 10/021,607.

Petitioner hereby disclaims the terminal part of any patent granted on the above-identified application Serial No. 10/021,607 which would extend beyond the expiration date of any patent issued from application Serial No. 10/021,532, and hereby agrees that any patent so granted on the above-identified application Serial No. 10/021,607 shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to any patent issued from application Serial No. 10/021,532, this agreement to run with any patent granted on the above-identified application Serial No. 10/021,607 and to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim any terminal part of any patent granted on the above-identified application Serial No. 10/021,607 or any continuation application thereof prior to the expiration date of the full statutory term as presently shortened by any terminal disclaimer of application Serial No. 10/021,532 in the event that any patent issued from said application Serial No. 10/021,532 later: expires for failure to pay maintenance fees, is held unenforceable or is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to the expiration of its statutory term as shortened by any terminal disclaimer, except for the separation of legal title stated above.

Dated this 2nd day of August, 2004

By 
Gregory M. Taylor
Attorney for Applicants
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